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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,649	06/20/2006	Ole Klemmt Andersen	FR030165	8808
24737 7590 03/05/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
			EXAMINER ORTIZ CRIADO, JORGE L	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 03/05/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,649

Applicant(s)

ANDERSEN ET AL.

Examiner

JORGE L. ORTIZ CRIADO

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Thornton et al. U.S. Patent No. 6,574,257.

As per claim 1, Thornton et al. discloses an optical pick-up unit (Fig. 1; 10) for reading information from an optical information carrier (12), the unit comprising: a light source (14) for illuminating the information carrier ; an optical system for injecting light reflected from the information carrier (12) into at least one vertical-cavity surface-emitting laser (14) (optical head not shown that slide position 14 to inject light reflected during read/write; through col. 6, line 52); and

means (44) for detecting the spatial characteristics (intensities/power fluctuation; see through col. 7 line 48) of the output from the or each vertical-cavity surface-emitting laser and to thereby generate error signals for the optical pick-up unit.

As per claim 5, as alternatively provided and only as required in claim 1, one VCSEL is alternatively required, hence in claim 5 only one is required, and further Thornton et al teaches a corresponding detector (44) arranged adjacent to the laser.

Claim 6, is drawn to the drive using the corresponding pickup above and is rejected for the same reasons of anticipation.

Claim 7 is drawn to the method used in the above pickup and is rejected for the same reasons of anticipation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thronton et al. U.S. Patent No. 6,574,257 in view of Sawano et al. U.S. Patent No. 4,163,149

Thronton et al. teaches using said means (44) to generate readout error signals based on the “spatial characteristics” (intensities fluctuations) of the of the output from the vertical-cavity surface-emitting laser, but does not expressly describes having, as per claim 2, a detector having at least two separate detection regions, and wherein the pick-up is arranged to generate a push-pull tracking-error signal by comparing the signals from said at least two separate detection regions, and as per claim 3, having a four-quadrant detector, and wherein the pick-up is arranged to generate a focus-error signal by comparing the signals from the four quadrants of the detector.

However, these are merely the notoriously known and standard techniques to detect such tracking and focus error signals, as an example see Sawano et al, for instance Fig. 2, which

evidenced such known ways of detections, for tracking error signal (42), focus error signal 41 based on intensities characteristics.

It would have been obvious to apply these well notoriously known techniques for the same reasons and purpose of optically error defections.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thronton et al. U.S. Patent No. 6,574,257 in view of Hsu U.S. Patent No. 4,816,665.

Thronton et al. teaches using said means (44) to generate readout error signals based on the “spatial characteristics” (intensities fluctuations) of the of the output from the vertical-cavity surface-emitting laser, and it is readily understood that said light source for illuminating the information carrier is a light source having circular symmetric output, since illuminate the recording medium with a spot having a predetermined diameter.

But does not expressly describes having, as per claim 4, wherein said means comprises two semi-circular central detector regions and two rectangular outer detector regions wherein the pick-up is arranged to generate a focus-error signal by comparing the signals from said detector regions.

However, this is well known in the art as to detect such focus error signals, as an example see Hsu, for instance Fig. 4, which evidenced such known ways of detections, , focus error signal.

It would have been obvious to apply these well known techniques for the same reasons and purpose of optically error defections.

Allowable Subject Matter

Claims 8-13 are allowed.

Closing Comments

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE L. ORTIZ CRIADO whose telephone number is (571)272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge L Ortiz-Criado/
Primary Examiner, Art Unit 2627